

Harry P Hall II

From: Charles M. Tatelbaum [CTatelbaum@adorno.com]
Sent: Monday, May 14, 2007 8:13 PM
To: Bill Stone; Jannea Rogers; Harry P Hall II; tohara@mcdowellknight.com; blc@crumptonlaw.com; rsw@hsy.com; brtrustee@mindspring.com; Jackie Parks
Subject: RE: Deposition of Martyn Fischer

To all:

Well, we have a problem. I gather that Bill and Harry are adamant that they both need to be at the deposition in London, and Harry cannot attend if the deposition is held on May 30. At the same time, Jannea cannot attend if it is on the 28th. Add to this the witness' preference that it be held on May 30. In speaking to Mr. Fisher, there are no additional dates available.

As a result, on behalf of the Nissan Defendants, this is the decision that Tom and I are going to make. The decision is based on the fact that the Trustee has three law firms representing her, while the Bunker Defendants have only one. The lead counsel for the Trustee can attend on May 30, as can the only attorney for the Bunker Defendants. The witness prefers the deposition to held on May 30. In order to make sure that all parties can be represented at the deposition of Martyn Fisher, on behalf of Nissan North America, I will tomorrow morning serve a notice of the deposition of Martyn Fisher for May 30 in London. This is the only scenario that provides fairness for all parties, and accommodates the interests of all parties.

Bill and Harry - I urge you to accommodate this situation. Unless ordered by the Magistrate Judge or Judge Strom, the deposition will go forward on May 30.

I will provide all with the most convenient hotels to the law firm where the deposition will take place.

From: Bill Stone [mailto:billstone@stonelaw.com]
Sent: Mon 5/14/2007 4:43 PM
To: Jannea Rogers; Charles M. Tatelbaum; Harry P Hall II; tohara@mcdowellknight.com; blc@crumptonlaw.com; rsw@hsy.com; brtrustee@mindspring.com; Jackie Parks
Subject: RE: Deposition of Martyn Fischer

Then is it possible for Chuck and Tom to secure other dates?

-----Original Message-----

From: Jannea Rogers [mailto:Jannea.Rogers@arlaw.com]
Sent: Monday, May 14, 2007 4:40 PM
To: Bill Stone; Charles M. Tatelbaum; Harry P Hall II; tohara@mcdowellknight.com; blc@crumptonlaw.com; rsw@hsy.com; brtrustee@mindspring.com; Jackie Parks
Subject: RE: Deposition of Martyn Fischer
Importance: High

guys,

when looking at dates please keep the following in mind:

monday may 28 is memorial day. travel the day before and day after memorial day is horrible.

that being said, the flights locally are nightmarish in that leaving mobile anywhere from 6 am to 11 am on the 29th arrives at the earliest at 6 am wednesday may 30th in london. the flight arrangement is the same for all other weekday travel plans from south alabama to london.

5/15/2007

i am not available for travel over the weekend or on Monday the 28th due to family obligations that cannot be changed. i am available to travel on the 29th arriving london on the 30th for depos either the 30 or 31st.

i have a obligation in mobile on june 7 that cannot be changed but am otherwise able to navigate my calendar the weeks of june 11, 18 and 25....as of this week.

jannea

-----Original Message-----

From: Bill Stone [<mailto:billstone@stonelaw.com>]

Sent: Monday, May 14, 2007 3:10 PM

To: Charles M. Tatelbaum; Harry P Hall II; tohara@mcdowellknight.com; blc@crumptonlaw.com; rsw@hsy.com; Jannea Rogers;

brtrustee@mindspring.com; Jackie Parks

Subject: RE: Deposition of Martyn Fischer

Harry has a pretrial conference on May 30 and that is why the 28th is best for us.

-----Original Message-----

From: Charles M. Tatelbaum [<mailto:CTatelbaum@adorno.com>]

Sent: Monday, May 14, 2007 4:07 PM

To: Bill Stone; Harry P Hall II; tohara@mcdowellknight.com;

blc@crumptonlaw.com; rsw@hsy.com; jannea.rogers@arlaw.com;

brtrustee@mindspring.com; Jackie.Parks@arlaw.com

Subject: RE: Deposition of Martyn Fischer

Any chance we can do it on the 29th?

-----Original Message-----

From: Bill Stone [<mailto:billstone@stonelaw.com>]

Sent: Monday, May 14, 2007 3:55 PM

To: Charles M. Tatelbaum; Harry P Hall II; tohara@mcdowellknight.com;

blc@crumptonlaw.com; rsw@hsy.com; jannea.rogers@arlaw.com;

brtrustee@mindspring.com; Jackie.Parks@arlaw.com

Subject: RE: Deposition of Martyn Fischer

Chuck, it looks like the 28th works better for me and Harry, so lets shoot for that even though it will require travel over the Memorial Day weekend. Since we have no real idea where in London the deposition will be taken, if you guys are going to be staying somewhere close to the location please give us the hotel information. Thanks.

William S. Stone
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Blakely, Georgia 39823
TEL 229/723-3045
MOB 229/724-8891
FAX 229/723-4834
e-mail billstone@stonelaw.com

5/15/2007

-----Original Message-----

From: Charles M. Tatelbaum [mailto:CTatelbaum@adorno.com]

Sent: Saturday, May 12, 2007 12:35 PM

To: Harry P Hall II; tohara@mcdowellknight.com; Bill Stone;
blc@crumptonlaw.com; rsw@hsy.com; jannea.rogers@arlaw.com;
brtrustee@mindspring.com; Jackie.Parks@arlaw.com

Subject: RE: Deposition of Martyn Fischer

To all:

This is to confirm my telephone conversation with Bill Stone on Friday. I have spoken with Mr. Fisher, and due to his now crowded schedule with his new employer, he is unable to travel outside of the UK for the deposition. Mr. Fisher did state that he would be able to be available on May 28, 29 or 30 for a deposition in London, with the 30th being the preferred date.

I told Bill that on behalf of the Nissan Defendants, we are withdrawing the third party deposition notice for May 17. Bill said that he would speak to Harry, and let me know by this Monday, May 14, if any of the three dates is acceptable to the Trustee's counsel. If any of the dates are agreeable, I will notify Mr. Fisher, and we will schedule the deposition for that agreed date. If none are acceptable, we will be serving an amended notice for Mr. Fisher's deposition for May 30 in London.

Please advise me promptly as to the position of each of your clients.

Chuck

Charles M. Tatelbaum
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-----Original Message-----

From: Harry P Hall II [mailto:hhall@fphw-law.com]

Sent: Thursday, May 10, 2007 4:22 PM

To: tohara@mcdowellknight.com; hhall@fphw-law.com;
billstone@stonelaw.com; blc@crumptonlaw.com; rsw@hsy.com;
jannea.rogers@arlaw.com; brtrustee@mindspring.com;
Jackie.Parks@arlaw.com

Cc: Charles M. Tatelbaum

Subject: RE: Deposition of Martyn Fischer

5/15/2007

Thanks Tom, we will wait to hear from you tomorrow.

-----Original Message-----

From: tohara@mcdowellknight.com
To: "hhall@fphw-law.com" <hhall@fphw-law.com>; "billstone@stonelaw.com" <billstone@stonelaw.com>; "blc@crumptonlaw.com" <blc@crumptonlaw.com>; "rsw@hsy.com" <rsw@hsy.com>; "jannea.rogers@arlaw.com" <jannea.rogers@arlaw.com>; "brtrustee@mindspring.com" <brtrustee@mindspring.com>; "Jackie.Parks@arlaw.com" <Jackie.Parks@arlaw.com>
Cc: "CTATELBAUM@adorno.com" <CTATELBAUM@adorno.com>
Sent: 5/10/07 3:34 PM
Subject: Re: Deposition of Martyn Fischer

Dear Harry

As we discussed, there may be witness availability problems with this key witness if we do not keep the currently scheduled deposition dates. Mr. Fischer has advised that he is available tomorrow to discuss with me alternate dates, if any. Based on your objections, an alternate date would certainly be my preference but I cannot commit to cancelling my notice at this time until first speaking with Mr. Fischer. I will call you as soon as I speak to him tomorrow.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Harry P Hall II <hhall@fphw-law.com>
To: Tom O'Hara <tohara@mcdowellknight.com>; 'Bill Stone' <billstone@stonelaw.com>; blc@crumptonlaw.com <blc@crumptonlaw.com>; hhall@fphw-law.com <hhall@fphw-law.com>; rsw@hsy.com <rsw@hsy.com>; 'Jannea Rogers' <Jannea.Rogers@arlaw.com>; brtrustee@mindspring.com <brtrustee@mindspring.com>; 'Jackie Parks' <Jackie.Parks@arlaw.com>
CC: 'Charles M. Tatelbaum' <CTatelbaum@adorno.com>
Sent: Thu May 10 14:33:06 2007
Subject: RE: Deposition of Martyn Fischer

Tom,

I am following up on our conference call this past Tuesday wherein Bill Stone and I discussed with you our objections concerning the proposed deposition of Martyn Fischer you have proposed for May 17th. In that call we discussed our inability to attend a deposition in London, England next week due to unavoidable calendar conflicts and due to the very high expense associated with short notice flight prices for this type of travel.

We discussed the possibility of having Mr. Fischer travel to Atlanta or Orlando in order to avoid some of the scheduling problems associated with traveling to London. We also discussed the need to determine how likely it was that Mr. Fischer was going to be sent out of the United Kingdom in the next two months.

You told me today that Mr. Fischer was not available to discuss these matters when you last spoke to him but you hoped he would be able to respond to these inquiries by tomorrow. Are we to assume the deposition you unilaterally noticed for the 17th is postponed? We will need to file a motion for a protective order if you will not agree to postpone this deposition and we would like some clarification as soon as possible. Please let us know your plans at your earliest convenience. If we do not hear from you to the contrary, we will assume the deposition will be rescheduled in the near future.

5/15/2007

Thank you for your assistance in resolving this issue.

Harry Hall

Baton Rouge | Birmingham | Houston | Jackson | Memphis | Mobile |
Nashville | New Orleans | Washington, D.C.

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5/15/2007